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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,591	11/24/2003	Victoria M. Halsell	LUTZ 2 00259	5027
7590 03/06/2006			EXAMINER	
Richard J. Minnich, Esq. Fay, Sharpe, Fagan, Minnich & McKee, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114			PHAN, HUY Q	
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			2687	
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/720,591	<b>Applicant(s)</b> HALSELL, VICTORIA M.	
	<b>Examiner</b> Huy Q. Phan	<b>Art Unit</b> 2687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 January 1936.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14-35 is/are rejected.
- 7) ☒ Claim(s) 11-13 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 16 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 16 recite the limitations "a first subscriber associated with a first party" and "a second subscriber associated with a second party". It is unclear whether "party" is referring to the device(s), the system(s), the company (companies), the human(s), etc. Therefor, making the claim indefinite.

Claim 1 recites the limitation "the other subscriber" (in line 4). It is unclear whether "the other subscriber" is in relation with "a first subscriber" (in line 1) or a second subscriber (in line 2) or both of them; therefor, making the claim indefinite.

Claim 29 recites the limitations "a first party associated with a first subscriber" and "a second party associated with a second subscriber". It is unclear whether "party" is referring to the device(s), the system(s), the company (companies), the human(s), etc. Therefor, making the claim indefinite.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-10, 14-17, 19-21 and 23-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Amin (US-6,373,931).

Regarding claim 1, Amin discloses a method of billing a first subscriber (wireless subscriber) associated with a first party (wireless subscriber 10) to a call (fig. 3, step 301) or a second subscriber associated with a second party (wireline subscriber 70) to the call in a telecommunication network (fig. 1) for variable charges associated with the call normally billed to the other subscriber (fig. 3, steps 301-308), the method including the steps:

a) providing a charge-all mode ("payment responsibility" and fig. 3, steps 301-308) whereby the first party or first subscriber can arrange to have the first subscriber billed for variable charges associated with the call that are normally billed to the second subscriber (fig. 3, steps 302-303 and 305-308) and the second party or second subscriber can arrange to have the second subscriber billed for variable charges associated with the call that are normally billed to the first subscriber (fig. 3, steps 302-304);

b) connecting the call between the first party and the second party (fig. 3, step 301);

c) determining whether charge-all mode has been arranged for the first subscriber (fig. 3, steps 302-304);

d) determining whether charge-all mode has been arranged for the second subscriber (fig. 3, steps 302-303 and 305-308); and

e) if charge-all mode has been arranged for at least one, but not both, of the first and second subscribers, billing the subscriber associated with the at least one subscriber for variable charges associated with the call that are normally billed to the other subscriber (fig. 3 and its description).

Regarding claim 2, Amin discloses the method set forth in claim 1 wherein the providing step includes providing a telephone device adapted for the first party to activate and cancel the charge-all mode (col. 3, lines 20-63).

Regarding claim 3, Amin discloses the method set forth in claim 2 wherein the telephone device includes a special key for activation and cancellation of the charge-all mode (col. 3, lines 55-58).

Regarding claim 4, Amin discloses the method set forth in claim 1 wherein the providing step includes providing a customer service operation to the first subscriber to activate and cancel the charge-all mode, wherein the customer service operation is associated with a wireless service provider associated with the first subscriber (col. 3, lines 20-63).

Regarding claim 6, Amin discloses the method set forth in claim 1 wherein the providing step includes providing logic adapted to detect activation and cancellation of the charge-all mode by the first party, first subscriber, second party, and second subscriber (col. 3, lines 20-63).

Regarding claim 7, Amin discloses the method set forth in claim 1 wherein the charge-all mode provided includes at least one of a continuous charge-all mode and a per-call charge-all mode (col. 4).

Regarding claim 8, Amin discloses the method set forth in claim 7 wherein the first or second party activates the charge-all mode prior to origination of the call and the charge-all mode provided is a continuous charge-all mode (col. 4).

Regarding claim 9, Amin discloses the method set forth in claim 7 wherein the first or second party activates the charge-all mode prior to the connecting step (step b)) and after origination of the call and the activating party selects between activation of the continuous charge-all mode or the per-call charge all mode (col. 4).

Regarding claim 10, Amin discloses the method set forth in claim 7 wherein the first or second party activates the charge-all mode while the call is connected between the first and second parties and the activating party selects between activation of the

continuous charge-all mode or the per-call charge all mode (col. 4).

Regarding claim 14, Amin discloses the method set forth in claim 1, further including the step: f) if charge-all mode has been arranged for none of the first and second subscribers, using normal billing procedures to determine billing of the variable charges for the call between the first and second subscribers (col. 4, lines 33-38).

Regarding claim 15, Amin discloses the method set forth in claim 1, the billing step (step e)) further including the step: f) communicating a charge-all mode flag (fig. 3 and its description) and billing events associated with the call to a billing center associated with the at least one subscriber (col. 4, lines 33-38).

Regarding claim 16, Amin discloses a method of applying variable charges associated with a call (fig. 3, step 301) in a telecommunication network (fig. 1) to a first subscriber associated with a first party (wireless subscriber 10) to the call, wherein at least a portion of the variable charges are normally billed (fig. 3, steps 302-303 and 305-308) to a second subscriber associated with a second party (wireline subscriber 70) to the call, the method including the steps:

a) providing a charge-all mode whereby the first party or the first subscriber can activate the charge-all mode thereby arranging to have variable charges associated with the call (col. 4), including variable charges normally billed to the second subscriber, applied to the first subscriber (fig. 3 and its description);

b) connecting the call between the first party and the second party (fig. 3, step 301);

c) determining if charge-all mode was activated for the first subscriber (fig. 3, steps 302-304); and

d) if charge-all mode was activated for the first subscriber, applying variable charges associated with the call, including variable charges normally billed to the second subscriber, to the first subscriber (fig. 3 and its description).

Regarding claim 17, Amin discloses the method set forth in claim 16 wherein the first party is a calling party (fig. 3, 70) and the second party is a called party (fig. 3, 10) in relation to the call.

Regarding claim 19, Amin discloses the method set forth in claim 17 wherein the first party uses a landline telephone device (70) to originate the call, the second party uses a mobile station (10) to answer the call, and the variable charges applied to the first subscriber include air time charges normally applied to the second subscriber ("called party pays", see fig. 3 and its description).

Regarding claim 20, Amin discloses the method set forth in claim 17 wherein the first party uses a telephone device (70) associated with a call center environment to originate the call, the second party uses a mobile station (10) to answer the call, and the variable charges applied to the first subscriber include air time charges normally applied



to the second subscriber ("called party pays", see fig. 3 and its description).

Regarding claim 21, Amin discloses the method set forth in claim 16 wherein the first party is a called party and the second party is a calling party in relation to the call (fig. 3 and its description).

Regarding claim 23, Amin discloses the method set forth in claim 21 wherein the second party uses a landline telephone device (70) to originate the call and the variable charges applied to the first subscriber (10) include long distance charges normally applied to the second subscriber ("calling party pays", see fig. 3 and its description).

Regarding claim 24, Amin discloses the method set forth in claim 21 wherein the second party uses a telephone device (70) associated with a call center environment ("AT&T calling card" or "pre-paid calling card", see col. 4) to originate the call and the variable charges applied to the first subscriber (10) include local and long distance charges normally applied to the second subscriber ("called party pays", see fig. 3 and its description).

Regarding claim 25, Amin discloses the method set forth in claim 21 wherein the second party (70) uses a pay phone ("AT&T calling card" or "pre-paid calling card", see col. 4) to originate the call and the variable charges applied to the first subscriber include local and long distance charges normally applied to the second subscriber

("called party pays", see fig. 3 and its description).

Regarding claim 26, Amin discloses a telecommunication network (fig. 1) providing an infrastructure for connecting a telephone call (fig. 3, step 301) from a first party associated with a first subscriber (wireless subscriber 10) to a second party associated with a second subscriber (wireline subscriber 70), including:

a first network (fig. 3, wireless system serving 10) serving the first party and adapted to provide a charge-all mode whereby the first party or first subscriber can arrange to have the first subscriber billed for variable charges associated with the call that are normally billed to the second subscriber (fig. 3, steps 302-303 and 305-308); and a second network (fig. 3, wireline system serving 70) in communication with the first network serving the second party and adapted to provide a charge-all mode whereby the second party or second subscriber can arrange to have the second subscriber billed for variable charges associated with the call that are normally billed to the first subscriber (fig. 3, steps 302-304).

Regarding claim 27, Amin discloses the telecommunication network set forth in claim 26 wherein the first network includes at least one of a wireless network, a landline network, or a call center environment (fig. 3, wireless system serving 10).

Regarding claim 28, Amin discloses the telecommunication network set forth in claim 26 wherein the second network includes at least one of a wireless network, a

landline network, or a call center environment (fig. 3, wireline system serving 70).

Regarding claim 29, Amin discloses the telecommunication network set forth in claim 26, each of the first and second networks including:

means for connecting the call between the first party and the second party (fig. 3, step 301);

means for determining whether charge-all mode has been arranged for the first subscriber (fig. 3, steps 302-304);

means for determining whether charge-all mode has been arranged for the second subscriber (fig. 3, steps 302-303 and 305-308); and

means for billing the subscriber associated with at least one of the first and second subscribers for variable charges associated with the call that are normally billed to the other subscriber if charge-all mode has been arranged for at least one, but not both, of the first and second subscribers (fig. 3 and its description).

Regarding claim 30, Amin discloses the telecommunication network set forth in claim 29, further including: means for communicating a charge-all mode flag (col. 3) and billing events associated with the telephone call to a billing center associated with at least one of the first and second subscribers (col. 4).

Regarding claim 31, Amin discloses the telecommunication network set forth in claim 26, further including: a first telephone device adapted for the first party to activate

and cancel the charge-all mode (col. 3); and a second telephone device adapted for the second party to activate and cancel the charge-all mode (col. 3, lines 55-58).

Regarding claim 32, Amin discloses the telecommunication network set forth in claim 31 wherein the first telephone device is selected from the group of a mobile station, a landline telephone device associated with a local exchange, a landline telephone device associated with a call center environment, and a pay phone (fig. 3 and its description).

Regarding claim 33, Amin discloses the telecommunication network set forth in claim 31 wherein the second telephone device is selected from the group of a mobile station, a landline telephone device associated with a local exchange, a landline telephone device associated with a call center environment, and a pay phone (fig. 3 and its description).

Regarding claim 34, Amin discloses the telecommunication network set forth in claim 31 wherein at least one of the first and second telephone devices include a special key for activation and cancellation of the charge-all mode (col. 3, lines 55-58).

Regarding claim 35, Amin discloses the telecommunication network set forth in claim 26, the first network including: a first charge-all mode logic adapted to detect activation and cancellation of the charge-all mode by the first party and first subscriber

(fig. 3 and its description); the second network including: a second charge-all mode logic adapted to detect activation and cancellation of the charge-all mode by the second party and second subscriber (col. 3, lines 55-58 and col. 4).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin in view of Rosenberg (US-2003/0013434).

a) Regarding claim 5, Amin discloses all the limitations as recited in the rejection of claim 1. But, Amin does not particularly show wherein the providing step includes providing a web page accessible to the first subscriber to activate and cancel the charge-all mode, wherein the web page is associated with a wireless service provider associated with the first subscriber. However, Rosenberg clearly teaches "The wireless services are selected by the wireless device user by means of an activation web site. The activation web site contains on-line forms to enable a wireless device user to submit device-specific, personal, and financial information to the wireless service provider. The information is provided for registering the wireless device on the wireless

network and billing the wireless device user for accessing the wireless services" (see [0020]); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Amin as taught by Rosenberg in order to enable "a wireless service provider to automatically register a wireless device on a wireless network and a wireless device user to automatically activate wireless services on the wireless device".

b) Claims 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin in view of Lundstrom (US-2002/0183040)

Regarding claim 18, Amin discloses all the limitations as recited in the rejection of claim 17, wherein the first party uses a first mobile station (10) to originate the call, the second party uses a telephone (70) to answer the call, and the variable charges applied to the first subscriber include air time charges normally applied to the second subscriber ("AT&T calling card" or "pre-paid calling card", see col. 4). But, Amin does not particularly show wherein a telephone is a second mobile station. However, Lundstrom clearly teaches wherein a telephone is a second mobile station (fig. 1, 2); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Amin as taught by Lundstrom in order for "handling of reverse charge or collect calls in a mobile network" (see specification).

Regarding claim 22, Amin discloses all the limitations as recited in the rejection of claim 21, wherein the second party uses a telephone to originate the call and the

variable charges applied to the first subscriber include air time and long distance charges normally applied to the second subscriber. ("AT&T calling card" or "pre-paid calling card", see col. 4). But, Amin does not particularly show wherein a telephone is a first mobile station. However, Lundstrom clearly teaches wherein a telephone is a first mobile station (fig. 1, 1); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Amin as taught by Lundstrom in order for "handling of reverse charge or collect calls in a mobile network" (see specification).

#### ***Allowable Subject Matter***

4. Claims 11-13 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 11, the applied references fail to disclose or render obvious the claimed limitations that the method set forth in claim 10 wherein the activating party selects between retroactive application of variable charges for the call to the subscriber associated with the activating party and application of variable charges for the call to the subscriber associated with the activating party from the point of activation forward.

Regarding claim 12, the applied references fail to disclose or render obvious the claimed limitations that the method set forth in claim 10 wherein the activating party cancels the charge-all mode while the call is connected between the first and second

parties and the canceling party selects between retroactive cancellation of variable charges for the call and cancellation of variable charges for the call from the point of cancellation forward.

Regarding claim 13, the applied references fail to disclose or render obvious the claimed limitations that the method set forth in claim 1, further including the step: f) if charge-all mode has been arranged for both of the first and second subscribers, performing a racing condition resolution algorithm to determine billing of the variable charges for the call between the first and second subscribers.

Regarding claim 36, the applied references fail to disclose or render obvious the claimed limitations that the telecommunication network set forth in claim 35, at least one of the first and second charge-all mode logics including: a racing condition resolution algorithm to determine billing of the variable charges for the call between the first and second subscribers if charge-all mode has been arranged for both of the first and second subscribers

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Stevens discloses "The calling party 12 then enters a response to the prompt of step 36. If the response indicates that the calling party declines to accept the charge



in decision block 38, then the call is terminated in step 40. On the other hand, if the calling party indicates that the charge is accepted in decision block 38... The charge could be credited entirely to the called party, or the charge could be split between the called party and the service provider. The SRP 20 then sends information to the switch 16 to complete the connection between the calling party and the called party in step 19" (see specification).

b) D'Amico discloses "the use of a Calling Party Pays (CPP) service permitting a subscriber to pay the cellular air time charges for selected callers. Other callers are instructed that they will be billed for these charges" (see abstract and specification).

c) Ortiz discloses that "invention relates to both a method and apparatus for providing telephone answer supervision capable of detecting the completion of both national and international calls, which employ different answer confirmation formats, as well as to an autonomous pay telephone, such as a mobile telephone, incorporating the same" (see specification).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JEAN GELIN**  
**PRIMARY EXAMINER**



Examiner: Phan, Huy Q.

AU: 2687

Date: 03/01/2006